

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

SENATE BILL NO. 1066

94TH GENERAL ASSEMBLY

2008

4814S.02T

AN ACT

To repeal sections 160.254, 160.530, and 168.021, RSMo, and to enact in lieu thereof four new sections relating solely to teacher certification.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 160.254, 160.530, and 168.021, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 160.254,
3 160.530, 168.021, and 1, to read as follows:

160.254. 1. There is hereby established a joint committee of the general
2 assembly, which shall be known as the "Joint Committee on Education", which
3 shall be composed of seven members of the senate and seven members of the
4 house of representatives. The senate members of the committee shall be
5 appointed by the president pro tem of the senate and the house members by the
6 speaker of the house.

7 2. The committee shall meet at least twice a year. In the event of three
8 consecutive absences on the part of any member, such member may be removed
9 from the committee.

10 3. The committee shall select either a chairman or cochairmen, one of
11 whom shall be a member of the senate and one a member of the house. A
12 majority of the members shall constitute a quorum. Meetings of the committee
13 may be called at such time and place as the chairman or chairmen designate.

14 4. The committee shall:

15 (1) Review and monitor the progress of education in the state's public
16 schools and institutions of higher education;

17 (2) Receive reports from the commissioner of education concerning the
18 public schools and from the commissioner of higher education concerning

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 institutions of higher education;

20 (3) Conduct a study and analysis of the public school system;

21 (4) Make recommendations to the general assembly for legislative action;

22 (5) Conduct an in-depth study concerning all issues relating to the equity
23 and adequacy of the distribution of state school aid, teachers' salaries, funding
24 for school buildings, and overall funding levels for schools and any other
25 education funding-related issues the committee deems relevant;

26 (6) Monitor the establishment of performance measures as required by
27 section 173.1006, RSMo, and report on their establishment to the governor and
28 the general assembly;

29 (7) Conduct studies and analysis regarding:

30 (a) The higher education system, including financing public higher
31 education and the provision of financial aid for higher education; and

32 (b) The feasibility of including students enrolled in proprietary schools,
33 as that term is defined in section 173.600, RSMo, in all state-based financial aid
34 programs;

35 (8) Annually review the collection of information under section 173.093,
36 RSMo, to facilitate a more accurate comparison of the actual costs at public and
37 private higher education institutions;

38 (9) Within three years of August 28, 2007, review a new model for the
39 funding of public higher education institutions upon submission of such model by
40 the coordinating board for higher education;

41 (10) Within three years of August 28, 2007, review the impact of the
42 higher education student funding act established in sections 173.1000 to
43 173.1006;

44 **(11) Beginning August 28, 2008, upon review, approve or deny**
45 **any expenditures made by the commissioner of education pursuant to**
46 **section 160.530, as provided in subsection 5 of section 160.530.**

47 5. The committee may make reasonable requests for staff assistance from
48 the research and appropriations staffs of the house and senate and the committee
49 on legislative research, as well as the department of elementary and secondary
50 education, the department of higher education, the coordinating board for higher
51 education, the state tax commission, the department of economic development, all
52 school districts and other political subdivisions of this state, teachers and teacher
53 groups, business and other commercial interests and any other interested
54 persons.

55 6. Members of the committee shall receive no compensation but may be

56 reimbursed for reasonable and necessary expenses associated with the
57 performance of their official duties.

160.530. 1. Beginning with fiscal year 1994 and for all fiscal years
2 thereafter, in order to be eligible for state aid distributed pursuant to section
3 163.031, RSMo, a school district shall allocate one percent of moneys received
4 pursuant to section 163.031, RSMo, exclusive of categorical add-ons, to the
5 professional development committee of the district as established in subdivision
6 (1) of subsection 4 of section 168.400, RSMo. Of the moneys allocated to the
7 professional development committee in any fiscal year as specified by this
8 subsection, seventy-five percent of such funds shall be spent in the same fiscal
9 year for purposes determined by the professional development committee after
10 consultation with the administrators of the school district and approved by the
11 local board of education as meeting the objectives of a school improvement plan
12 of the district that has been developed by the local board. Moneys expended for
13 staff training pursuant to any provisions of this act shall not be considered in
14 determining the requirements for school districts imposed by this subsection.

15 2. Beginning with fiscal year 1994 and for all fiscal years thereafter,
16 eighteen million dollars [of the moneys appropriated to the department of
17 elementary and secondary education otherwise distributed to the public schools
18 of the state pursuant to the provisions of section 163.031, RSMo, exclusive of
19 categorical add-ons,] shall be distributed by the commissioner of education to
20 address statewide areas of critical need for learning and development, **provided**
21 **that such disbursements are approved by the joint committee on**
22 **education as provided in subsection 5 of this section, and** as determined
23 by rule and regulation of the state board of education with the advice of the
24 commission established by section 160.510 and the advisory council provided by
25 subsection 1 of section 168.015, RSMo. The moneys described in this subsection
26 may be distributed by the commissioner of education to colleges, universities,
27 private associations, professional education associations, statewide associations
28 organized for the benefit of members of boards of education, public elementary
29 and secondary schools, and other associations and organizations that provide
30 professional development opportunities for teachers, administrators, family
31 literacy personnel and boards of education for the purpose of addressing
32 statewide areas of critical need, provided that subdivisions (1), (2) and (3) of this
33 subsection shall constitute priority uses for such moneys. "Statewide areas of
34 critical need for learning and development" shall include:

35 (1) Funding the operation of state management teams in districts with

36 academically deficient schools and providing resources specified by the
37 management team as needed in such districts;

38 (2) Funding for grants to districts, upon application to the department of
39 elementary and secondary education, for resources identified as necessary by the
40 district, for those districts which are failing to achieve assessment standards;

41 (3) Funding for family literacy programs;

42 (4) Ensuring that all children, especially children at risk, children with
43 special needs, and gifted students are successful in school;

44 (5) Increasing parental involvement in the education of their children;

45 (6) Providing information which will assist public school administrators
46 and teachers in understanding the process of site-based decision making;

47 (7) Implementing recommended curriculum frameworks as outlined in
48 section 160.514;

49 (8) Training in new assessment techniques for students;

50 (9) Cooperating with law enforcement authorities to expand successful
51 antidrug programs for students;

52 (10) Strengthening existing curricula of local school districts to stress
53 drug and alcohol prevention;

54 (11) Implementing and promoting programs to combat gang activity in
55 urban areas of the state;

56 (12) Establishing family schools, whereby such schools adopt proven
57 models of one-stop state services for children and families;

58 (13) Expanding adult literacy services; and

59 (14) Training of members of boards of education in the areas deemed
60 important for the training of effective board members as determined by the state
61 board of education.

62 3. Beginning with fiscal year 1994 and for all fiscal years thereafter, two
63 million dollars of the moneys appropriated to the department of elementary and
64 secondary education otherwise distributed to the public schools of the state
65 pursuant to the provisions of section 163.031, RSMo, exclusive of categorical
66 add-ons, shall be distributed in grant awards by the state board of education, by
67 rule and regulation, for the "Success Leads to Success" grant program, which is
68 hereby created. The purpose of the success leads to success grant program shall
69 be to recognize, disseminate and exchange information about the best professional
70 teaching practices and programs in the state that address student needs, and to
71 encourage the staffs of schools with these practices and programs to develop
72 school-to-school networks to share these practices and programs.

73 4. The department shall include a listing of all expenditures under this
74 section in the annual budget documentation presented to the governor and
75 general assembly.

76 **5. Prior to distributing any funds under subsection 2 of this**
77 **section, the commissioner of education shall appear before the joint**
78 **committee on education and present a proposed delineation of the**
79 **programs to be funded under the provisions of subsection 2 of this**
80 **section. The joint committee shall review all proposed spending under**
81 **subsection 2 of this section and shall affirm, by a majority vote of all**
82 **members serving on the committee, the spending proposal of the**
83 **commissioner prior to any disbursement of funds under subsection 2 of**
84 **this section.**

85 **6. If any provision of subdivision (11) of subsection 4 of section**
86 **160.254 or any provision of subsections 2 or 5 of this section regarding**
87 **approval of disbursements by the joint committee on education are held**
88 **to be invalid for any reason, then such decision shall invalidate**
89 **subsection 2 of this section in its entirety.**

168.021. 1. Certificates of license to teach in the public schools of the
2 state shall be granted as follows:

3 (1) By the state board, under rules and regulations prescribed by it,
4 (a) Upon the basis of college credit;
5 (b) Upon the basis of examination;
6 (2) By the state board, under rules and regulations prescribed by the state
7 board with advice from the advisory council established by section 168.015 to any
8 individual who presents to the state board a valid doctoral degree from an
9 accredited institution of higher education accredited by a regional accrediting
10 association such as North Central Association. Such certificate shall be limited
11 to the major area of postgraduate study of the holder, shall be issued only after
12 successful completion of the examination required for graduation pursuant to
13 rules adopted by the state board of education, and shall be restricted to those
14 certificates established pursuant to subdivision (1) of subsection 3 of this section;
15 [or]

16 (3) By the state board, which shall issue the professional certificate
17 classification in both the general and specialized areas most closely aligned with
18 the current areas of certification approved by the state board, commensurate with
19 the years of teaching experience of the applicant, and based upon the following
20 criteria:

21 (a) Recommendation of a state-approved baccalaureate-level teacher
22 preparation program;

23 (b) Successful attainment of the Missouri qualifying score on the exit
24 assessment for teachers or administrators designated by the state board of
25 education. Applicants who have not successfully achieved a qualifying score on
26 the designated examinations will be issued a two-year nonrenewable provisional
27 certificate; and

28 (c) Upon completion of a background check and possession of a valid
29 teaching certificate in the state from which the applicant's teacher preparation
30 program was completed; or

31 **(4) By the state board, under rules and regulations prescribed by**
32 **it, on the basis of certification by the American Board for Certification**
33 **of Teacher Excellence (ABCTE) and verification of ability to work with**
34 **children as demonstrated by sixty contact hours in any one of the**
35 **following areas as validated by the school principal: sixty contact**
36 **hours in the classroom, of which at least forty-five must be teaching;**
37 **sixty contact hours as a substitute teacher, with at least thirty**
38 **consecutive hours in the same classroom; sixty contact hours of**
39 **teaching in a private school; or sixty contact hours of teaching as a**
40 **paraprofessional, for an initial four-year ABCTE certificate of license**
41 **to teach, except that such certificate shall not be granted for the areas**
42 **of early childhood education, elementary education, or special**
43 **education. Upon the completion of the requirements listed in**
44 **paragraphs (a), (b), (c), and (d) of this subdivision, an applicant shall**
45 **be eligible to apply for a career continuous professional certificate**
46 **under subdivision (2) of subsection 3 of this section:**

47 (a) Completion of thirty contact hours of professional
48 development within four years, which may include hours spent in class
49 in an appropriate college curriculum;

50 (b) Validated completion of two years of the mentoring program
51 of the American Board for Certification of Teacher Excellence or a
52 district mentoring program approved by the state board of education;

53 (c) Attainment of a successful performance-based teacher
54 evaluation; and

55 (d) Participate in a beginning teacher assistance program.

56 2. All valid teaching certificates issued pursuant to law or state board
57 policies and regulations prior to September 1, 1988, shall be exempt from the

58 professional development requirements of this section and shall continue in effect
59 until they expire, are revoked or suspended, as provided by law. When such
60 certificates are required to be renewed, the state board or its designee shall grant
61 to each holder of such a certificate the certificate most nearly equivalent to the
62 one so held. Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or
63 continuous professional certificate shall, upon expiration of his or her current
64 certificate, be issued the appropriate level of certificate based upon the
65 classification system established pursuant to subsection 3 of this section.

66 3. Certificates of license to teach in the public schools of the state shall
67 be based upon minimum requirements prescribed by the state board of
68 education. The state board shall provide for the following levels of professional
69 certification: an initial professional certificate and a career continuous
70 professional certificate.

71 (1) The initial professional certificate shall be issued upon completion of
72 requirements established by the state board of education and shall be valid based
73 upon verification of actual teaching within a specified time period established by
74 the state board of education. The state board shall require holders of the
75 four-year initial professional certificate to:

76 (a) Participate in a mentoring program approved and provided by the
77 district for a minimum of two years;

78 (b) Complete thirty contact hours of professional development, which may
79 include hours spent in class in an appropriate college curriculum; and

80 (c) Participate in a beginning teacher assistance program;

81 (2) (a) The career continuous professional certificate shall be issued upon
82 verification of completion of four years of teaching under the initial professional
83 certificate and upon verification of the completion of the requirements articulated
84 in paragraphs (a), (b), and (c) of subdivision (1) of this subsection **or paragraphs**
85 **(a), (b), (c), and (d) of subdivision (4) of subsection 1 of this section.**

86 (b) The career continuous professional certificate shall be continuous
87 based upon verification of actual employment in an educational position as
88 provided for in state board guidelines and completion of fifteen contact hours of
89 professional development per year which may include hours spent in class in an
90 appropriate college curriculum. Should the possessor of a valid career continuous
91 professional certificate fail, in any given year, to meet the fifteen-hour
92 professional development requirement, the possessor may, within two years, make
93 up the missing hours. In order to make up for missing hours, the possessor shall
94 first complete the fifteen-hour requirement for the current year and then may

95 count hours in excess of the current year requirement as make-up hours. Should
96 the possessor fail to make up the missing hours within two years, the certificate
97 shall become inactive. In order to reactivate the certificate, the possessor shall
98 complete twenty-four contact hours of professional development which may
99 include hours spent in the classroom in an appropriate college curriculum within
100 the six months prior to or after reactivating his or her certificate. The
101 requirements of this paragraph shall be monitored and verified by the local school
102 district which employs the holder of the career continuous professional certificate.

103 (c) A holder of a career continuous professional certificate shall be exempt
104 from the professional development contact hour requirements of paragraph (b) of
105 this subdivision if such teacher has a local professional development plan in place
106 within such teacher's school district and meets two of the three following criteria:

107 a. Has ten years of teaching experience as defined by the state board of
108 education;

109 b. Possesses a master's degree; or

110 c. Obtains a rigorous national certification as approved by the state board
111 of education.

112 4. Policies and procedures shall be established by which a teacher who
113 was not retained due to a reduction in force may retain the current level of
114 certification. There shall also be established policies and procedures allowing a
115 teacher who has not been employed in an educational position for three years or
116 more to reactivate his or her last level of certification by completing twenty-four
117 contact hours of professional development which may include hours spent in the
118 classroom in an appropriate college curriculum within the six months prior to or
119 after reactivating his or her certificate.

120 5. The state board shall, upon an appropriate background check, issue a
121 professional certificate classification in the areas most closely aligned with an
122 applicant's current areas of certification, commensurate with the years of
123 teaching experience of the applicant, to any person who is hired to teach in a
124 public school in this state and who possesses a valid teaching certificate from
125 another state, provided that the certificate holder shall annually complete the
126 state board's requirements for such level of certification, and shall establish
127 policies by which residents of states other than the state of Missouri may be
128 assessed a fee for a certificate license to teach in the public schools of
129 Missouri. Such fee shall be in an amount sufficient to recover any or all costs
130 associated with the issuing of a certificate of license to teach.

131 6. The state board may assess to holders of an initial professional

132 certificate a fee, to be deposited into the excellence in education revolving fund
133 established pursuant to section 160.268, RSMo, for the issuance of the career
134 continuous professional certificate. However, such fee shall not exceed the
135 combined costs of issuance and any criminal background check required as a
136 condition of issuance. **Applicants for the initial ABCTE certificate shall**
137 **be responsible for any fees associated with the program leading to the**
138 **issuance of the certificate, but nothing in this section shall prohibit a**
139 **district from developing a policy that permits fee reimbursement.**

140 7. Any member of the public school retirement system of Missouri who
141 entered covered employment with ten or more years of educational experience in
142 another state or states and held a certificate issued by another state and
143 subsequently worked in a school district covered by the public school retirement
144 system of Missouri for ten or more years who later became certificated in
145 Missouri shall have that certificate dated back to his or her original date of
146 employment in a Missouri public school.

147 8. **The provisions of subdivision (4) of subsection 1 of this**
148 **section, as well as any other provision of this section relating to the**
149 **American Board for Certification of Teacher Excellence, shall terminate**
150 **on August 28, 2014.**

Section 1. Notwithstanding any provision of law to the contrary,
2 **the state auditor shall have the power to audit any school district**
3 **within the state in the same manner as the auditor may audit any**
4 **agency of the state.**

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